

DATE February 9, 2009

APPROVAL OF CONTRACT AND BOND
AND PERMISSION TO SUBLET ON
PLEASANT DRIVE BRIDGE OVER CUMMINS CREEK
\$ 725,505.43

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the contract and bond, in the amount of \$725,505.43, executed by Herberger Construction Co., Inc., Dean Herberger, President, 2508 West 2nd Avenue, Indianola, IA, 50125 dated February 9, 2009, for the construction of the following improvement:

Pleasant Drive Bridge over Cummins Creek, 12-2007-007

The improvement includes removal of the existing bridge and substructure, construction of the new slab bridge, bridge approach pavement removal and replacement, storm sewer and intakes, utility ducts, excavation and grading, PCC subbase, PCC pavement, sidewalk removal and replacement, hydrant adjustment, ornamental handrail, modular block wall, fencing, erosion control, silt fence, seeding, sodding, rip rap, construction survey, project sign, traffic control and mobilization; all work in accordance with the contract documents including Plan File Nos. 494-120/166, in the 6000 Block of Pleasant Drive, Des Moines, Iowa

the same to be performed in accordance with the plans and specifications which have been heretofore approved by this Council, be and the same are hereby approved. The attached "Contractor's Anticipated DBE/TSB Utilization" shows the Contractor's efforts to solicit DBE/TSB Participation in accordance with the Disadvantaged Business Enterprise/Targeted Small Business (DBE/TSB) Program.

BE IT FURTHER RESOLVED: That the Mayor be and is hereby authorized and directed to execute said contract on behalf of the City of Des Moines, and the City Clerk, be and is hereby authorized and directed to attest to same. No contract shall be deemed to exist between the City of Des Moines and said Bidder until said contract has been executed by the Bidder, and shall have been approved by this Council and executed by the Mayor and attested to by the City Clerk.

BE IT FURTHER RESOLVED: That after said contract has been executed by the Mayor, the City Clerk be and is hereby authorized and directed to return the Contractor's bid security.

BE IT FURTHER RESOLVED: That the attached communication from said Contractor requesting permission to sublet designated items and the attached Permission to Sublet form, be and are hereby approved subject to each subcontractor's compliance with the City of Des Moines Contract Compliance Program. The City Manager is hereby directed to sign said Permission to Sublet form granting permission for said listed subcontractor to work on said improvement upon each subcontractor's compliance with the City of Des Moines Contract Compliance Program as monitored by the Engineering Department.

★ **Roll Call Number**

Agenda Item Number

49 A

DATE February 9, 2009

BE IT FURTHER RESOLVED: That the Des Moines Finance Director is hereby authorized to encumber this contract amount against the funds as identified below, and to acquire Builder's Risk Insurance, if appropriate, for the above referenced improvement.

Moved by _____ to adopt.

FORM APPROVED *Kathleen Vanderpool*
 Kathleen Vanderpool
 Deputy City Attorney

Funding Source: 2008-2009 CIP, Page BRV-12, Pleasant Drive over Cummins Creek, BRV040, Being: \$594,541.93 for bridge construction work in Gaming Monies from the Agreement with Polk County and The Racing Association of Central Iowa. The bridge has been designed to allow the planned Waveland Trail to pass underneath the structure and includes grading and retaining wall construction for the trail project at a bid price of \$130,963.50, which will be funded with G. O. Bonds from PKS045, Recreation Trails, Page Parks-22

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED APPROVED

 Mayor

I, Diane Rauh, City Clerk of said City Council, hereby certify that at a meeting of the City Council, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

 City Clerk

49 A

Department of Engineering
City of Des Moines, Iowa



CONTRACTOR'S ANTICIPATED DBE/TSB UTILIZATION

Pleasant Drive Bridge over Cummins Creek

Activity ID 12-2007-007

On January 27, 2009, Herberger Construction Co., Inc., Dean Herberger, President, 2508 West 2nd Avenue, Indianola, IA 50125 submitted a proposal for construction of the Pleasant Drive Bridge over Cummins Creek, Activity ID 12-2007-007, which the City Council has determined to be the lowest responsible, responsive bid for said project in the amount of \$725,505.43. The proposal included a statement that the Disadvantaged Business Enterprise/Targeted Small Business (DBE/TSB) Program shall apply to this project.

The Engineering Department has prepared this report summarizing the information that Herberger Construction Co., Inc., has submitted indicating that it anticipates utilizing the following DBE/TSB companies on this project:

<u>DBE/TSB Name</u>	<u>Description of Work</u>	<u>Estimated Amount</u>
Bonnies Barricades	Traffic Control	\$3,966.00
	Estimated DBE/TSB Participation	\$3,966.00
	Herberger Construction Co., Inc. Amount	\$725,505.43
	Percentage of DBE/TSB Participation	0.55%